



GREAT LAKES LEGISLATIVE CAUCUS

Great Lakes News for Legislators

February 2010

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About the Caucus



The Great Lakes Legislative Caucus is a nonpartisan group of state and provincial lawmakers from eight U.S. states (Illinois, Indiana, Michigan, Minnesota, New York, Pennsylvania, Ohio and Wisconsin) and two Canadian provinces (Ontario and Quebec).

Sen. Patricia Birkholz of Michigan serves as chair of the caucus. The Midwestern Office of The Council of State Governments provides staffing services for the caucus. Funding for the caucus is provided by The Joyce Foundation.

Great Lakes Links

[Alliance for the Great Lakes](#)

[Council of Great Lakes Governors](#)

[Great Lakes and St. Lawrence Cities Initiative](#)

[Great Lakes Blogger](#)

[Great Lakes Commission](#)

[Great Lakes Environmental Law Center](#)

[Great Lakes Echo](#)

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[Great Lakes United](#)

[Great Lakes WATER Institute](#)

[Healing Our Waters Coalition](#)

[International Joint Commission](#)

[Northeast-Midwest Institute](#)

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With funding support from the Joyce Foundation, The Midwestern Office of The Council of State Governments provides staffing services for the Great Lakes Legislative Caucus.

More information on CSG Midwest is available at www.csamidwest.org or by calling 630/925-1922.

CSG Midwest is one of four regional offices of The Council of State Governments (www.csg.org) -- a national nonpartisan, nonprofit association of state elected officials.

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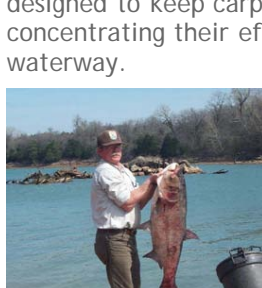
630.925.1922

Search for Asian carp, and policy and scientific answers to invasive species problem, continues

On the first day of what will be an [intensive search for Asian carp](#), fisheries biologists were happy to report that they and their assortment of commercial fishing nets and electro fishing gear came away empty-handed.

No carp were caught or found.

According to the [Milwaukee Journal Sentinel](#), the search (led by the Illinois Department of Natural Resources and U.S. Fish and Wildlife Service) will continue for two weeks, with biologists combing parts of the Chicago Area Waterway System above the electric barrier designed to keep carp from entering Lake Michigan. Crews are concentrating their efforts near warm water discharges along the waterway.



In January, University of Notre Dame researchers confirmed the presence of Asian carp DNA in Lake Michigan's Calumet Harbor. (Live Asian carp have not been found in the Great Lakes.)

Concern about the impact of an Asian carp invasion into the Great Lakes has prompted a wave of activity at the state and federal levels of government.

Obama's \$78 million plan

At the federal level, the Obama administration [unveiled a \\$78 million](#) plan to control Asian carp. A mix of short- and long-term actions, the plan calls for adding electric barriers, reducing the opening of navigational locks, improving eDNA verification methods, and expanding electro-shocking and netting operations.

But the plan does not include what many say would be the best way to keep Asian carp out of the Great Lakes: immediately closing the locks in the Chicago Area Waterway System. [Led by the state of Michigan](#), several Great Lakes states asked the U.S. Supreme Court to do just that. Their request for a preliminary injunction was denied in January.

[Illinois officials oppose a closing of the locks](#), saying such a move would cause widespread flooding, shut down the shipping industry and not guarantee the carp would be stopped.

A call for 'zero-tolerance' policy

A [group of Great Lakes advocacy groups is urging](#) more aggressive federal action, and the [Great Lakes Legislative Caucus weighed in on the issue with this resolution](#). The [Alliance for the Great Lakes wants what it calls a "zero tolerance" policy](#) when it comes to Asian carp.

"The permanent solution is not technology, but what we call 'ecological separation,' or no movement of live organisms between the Great Lakes and the Mississippi River via the canals -- up to and including permanent physical barriers," Joel Brammeier, president and CEO of the alliance, testified at a recent congressional hearing.

The discovery of Asian carp DNA in Lake Michigan likely means the aquatic invader already has reached the Great Lakes, says David Lodge, director of the University of Notre Dame Center for Aquatic Conservation.

However, he adds that the fight to save the lakes from this non-native fish species is far from lost. The key isn't whether one fish enters the system, but whether enough penetrate it to survive and spread.

"It comes down to a numbers game," Lodge says. "We don't know what that number is. But we do know that the more fish there are, the more likely a self-sustaining population will develop."

And eradicating an established population of Asian carp in the Great Lakes would be an extremely difficult, if not impossible, task.

Impact of invasion unknown, but likely a 'very bad thing'

What would be the consequences of an Asian carp invasion?

No one knows for sure, Lodge says. But based on what researchers have observed about the species' impact on other systems, including the Mississippi River basin, he believes the spread of Asian carp would be "a very bad thing" for the Great Lakes.

Large in size, the carp are voracious eaters that could eliminate food supplies for native fish, thus harming the Great Lakes ecosystem and its \$7 billion fishing industry.

Court upholds New York ballast water rules; Wisconsin program now up and running

The region's most stringent state-level standards for ballast water have been upheld by a New York appeals court.

As [this Natural Resources Defense Council news release notes](#), the court decision is an important victory for states wanting to adopt rules that are more protective than federal standards. In a different court case, the state of Michigan's ballast water rules were upheld by a federal court.

The state rules are designed to keep invasive species from entering and/or spreading in the Great Lakes via the ballast water of vessels.

This month, the Wisconsin Department of Natural Resources became the fourth Great Lakes state (along with Michigan, Minnesota and New York, according to the [Wisconsin DNR](#)) with a program to regulate ballast water discharges.

Under the Wisconsin rules, large commercial vessels are prohibited from discharging ballast tank sediment, seawater and certain other substances, and they must adopt best management practices for handling these substances to reduce the risk of releasing invasive species into the Great Lakes. Beginning in 2012, Wisconsin will require ocean-going vessels to meet ballast water treatment standards.



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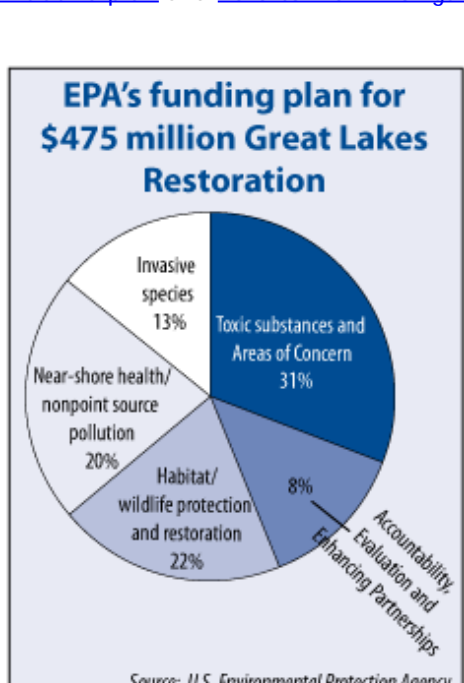
Obama proposes continuing Great Lakes Restoration Initiative at lower funding level; more than 1,000 applications filed for first round of FY 2010 grants

President Obama's proposed budget for fiscal year 2011 would continue the federal commitment to the Great Lakes Restoration Initiative, [though at a lower funding level](#).

The drop from \$475 million to \$300 million did not come as a surprise to many Great Lakes advocates considering current fiscal pressures on the federal government. U.S. Environmental Protection Agency administrator Lisa Jackson also notes in this [The Cleveland Plain Dealer article](#) that much of the \$475 million allocated in the FY 2010 budget won't be spent until next year.

For the first round of FY 2010 competitive grants, 1,057 applications totaling more than \$947 million have been submitted. Michigan has the most funding requests: 348 proposals totaling \$219 million. Click [here to see the state-by-state list](#) and [here to see a breakdown of proposals by the initiative's five focus areas](#): 1) removing toxic substances and cleaning up "Areas of Concern"; 2) controlling the introduction and spread of invasive species; 3) addressing the near-shore health of the Great Lakes ecosystem and combating nonpoint source pollution; 4) protecting and restoring wildlife and habitat; and 5) improving accountability, education, monitoring, evaluation and partnerships.

Click [here for a summary of Wisconsin's Great Lakes Restoration Initiative plan](#) and [here to view Michigan's strategic framework](#).



Around the Region: Ontario, Ohio, Michigan and Minnesota

* Just as interest in offshore wind energy development is intensifying in Ontario, so is the policy debate about its potential impact, [according to this recent article in The Windsor Star](#).



Seven hundred offshore wind turbines are being proposed for Lake Erie and Lake St. Clair. Last year, the province passed the Green Energy Act, which includes a guaranteed pricing structure (known as a ["feed-in" tariff](#)) for renewable energy projects.

Meanwhile, studies of offshore wind energy development in two Great Lakes states continue. According to [The Cleveland Plain Dealer](#), an Ohio county is now looking for a turbine manufacturer for its proposed offshore project on Lake Erie and is also studying the project's potential impact on wildlife in the area. In Michigan, the [state's Public Service Commission has approved two grants](#) totaling nearly \$1.7 million: one will explore the feasibility of deploying offshore wind technologies in the state, the other will focus on the use of these technologies in the Upper Peninsula.

* A Minnesota legislator believes he has a policy solution to the problem of prescription drugs ending up in the Great Lakes and other waterways: create a waste-disposal system similar to the one his state already has in place for electronic waste.

Rep. Paul Gardner told [Minnesota Public Radio](#) that under [HF 1217](#), known as the Minnesota Safe Drug Disposal Act, "You'd be able to bring in your old drugs to a venue your county chooses."

Who would you pay the costs of this product stewardship program? Gardner's idea is for pharmaceutical companies to pay for most of it, just as manufacturers do under the state's electronics recycling law.